

TRAVL9.017A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin R. Schiff, et al.
Appl. No. : 09/728,583
Filed : December 1, 2000
For : SYSTEMS AND METHODS
OF COMPARING PRODUCT
INFORMATION
Examiner : Unknown

Group Art Unit 2166

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

August 24, 2001
(Date)
James B. Bear, Reg. No. 25,221

RECEIVED

AUG 29 2001

OFFICE OF PETITIONS

**DECLARATION UNDER 37 C.F.R. § 1.47(a) BY JAMES B. BEAR
REGARDING NONSIGNING INVENTOR MONICA SCANLON**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, James B. Bear, declare and state the following:

1. I am a patent attorney at Knobbe, Martens, Olson and Bear, LLP, which represents Travel Services International, Inc. ("Travel Services International") with regard to certain intellectual property matters.

2. I am informed and believe that Martin Schiff, Kathleen Sussman-Wiles, Vivian Ewart, Wallace Huff, Byron Berk, Maureen Elenberger, Timothy Fessenden, Paul Fitton, Vance Loiselle, Michael Carpenter, Michael Sherota, Elizabeth Judy, Elena Rodriguez, Holley Christen, Mitch Cox, Todd Elliott, Kevin Helms, Adolf Quintana, Dot Tolle, Nancy Porter, Karen Reynolds, Monica Scanlon, Paul Colangelo, Tracey Codd, Joanell DeLand, Timothy Moorhead, A. D. Burkard, George DelPino, Joelle Delva, Sharon Everhart-Brooks, Bradley Ferguson, David Forman, Samuel Hantz, Irwin Klotz, Courtney Kurk, Keith Leslie, Sandi Levy, Fred

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Locicero, Charlotte Luna, Jeffrey Nickerson, and Maryann Bastnagel are joint and co-inventors in the above-referenced U.S. patent application.

3. I am informed and believe that at the time of the activities leading up to the invention of the subject matter of the above-referenced U.S. patent application, Monica Scanlon was a consultant at PricewaterhouseCoopers hired by Travel Services International to do technical work.

4. I am informed and believe that Monica Scanlon participated in a project to develop systems and methods of comparing product information on behalf of Travel Services International.

5. The last address of Monica Scanlon, known to me, is:

120 W. 23rd St.

Apt. 9B

New York, NY 10011.

6. On December 13, 2000, I had a letter sent by Federal Express Priority Overnight Service to Monica Scanlon, 120 W. 23rd St., Apt. 9B, New York, NY 10011. The letter included a copy of the above-referenced U.S. patent application, a Declaration by Inventors for the application, and an Assignment form for the application. The letter asked Monica Scanlon to sign the enclosed Declaration by Inventors, sign and notarize the Assignment form, and to return the papers to me. A copy of the delivery documentation, the letter, and the enclosures relating to the above-referenced patent application are attached hereto as Exhibit A and are incorporated herein by reference.

7. On April 5, 2001, I sent a letter by Federal Express Standard Overnight Service to Monica Scanlon, 120 W. 23rd St., Apt. 9B, New York, NY 10011. The letter was a follow-up to the December 13, 2000 letter and contained additional copies of the Declarations by Inventors and Assignments. Monica Scanlon was asked to complete the forms per the instructions in the prior letter and return to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit B and are incorporated herein by reference.

8. On April 25, 2001, I sent a third letter via Federal Express Priority Overnight Service to Monica Scanlon, 120 W. 23rd St., Apt. 9B, New York, NY 10011. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter urged Monica

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Scanlon to sign and notarize the Declaration and Assignment and return them to me or notify me why Monica Scanlon was unwilling to sign the Declaration and Assignment. A copy of the delivery documentation and the letter are attached hereto as Exhibit C and are incorporated herein by reference.

9. On July 20, 2001, I sent a fourth and final letter via U.S.P.S. Certified Mail Service to Monica Scanlon, 120 W. 23rd St., Apt. 9B, New York, NY 10011. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter informed Monica Scanlon that I had not received any contact from her regarding the prior letters. Further, the letter acknowledged that Monica Scanlon's lack of response to the prior letters evidenced her refusal to sign the Declaration and Assignment. The letter also notified Monica Scanlon that I would be forced to file the formal documents for the above-referenced application without her signature. A copy of the delivery documentation and the letter are attached hereto as Exhibit D and are incorporated herein by reference.

10. On July 31, 2001, I instructed Amy C. Christensen, an attorney at Knobbe, Martens, Olson, and Bear, LLP, to contact DataSearch via e-mail and request that a "Discovery Plus Search" be conducted to determine the current address for Monica Scanlon. I was notified via e-mail that the request been entered. A copy of this e-mail is attached hereto as Exhibit E and is incorporated herein by reference.

11. On August 9, 2001, I was forwarded an email from DataSearch sent on August 9, 2001 at 12:57 p.m. regarding the search results for Monica Scanlon. The search company found two addresses, but did not feel that the first one was valid. The one that DataSearch thought was valid was: 120 W. 23rd Street, Apt. 9B, New York, NY 10011 which is the last known address in our records. A copy of this e-mail is attached hereto as Exhibit F and is incorporated herein by reference.

12. On August 9, 2001, I was forwarded an e-mail from Rexford Johnson, an employee of Knobbe, Martens, Olson & Bear, LLP, sent on August 9, 2001 at 4:36 p.m. regarding an Internet search Rexford Johnson conducted for Monica Scanlon. Rexford Johnson found no results for Monica Scanlon. A copy of this e-mail is attached hereto as Exhibit G and is incorporated herein by reference.

13. On August 10, 2001, I was sent an e-mail from Paul Colangelo, one of the joint inventors who also works for PricewaterhouseCoopers, sent on August 10, 2001 at 6:47 am

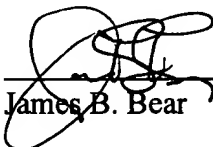
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informing us that Paul Colangelo forwarded our letter to Doug Hott, an attorney at PricewaterhouseCoopers, asked us to contact Mr. Hott, and noted that Mr. Hott was "aware of the situation and is also aware of the position Monica Scanlon and I have taken towards this request." A copy of this e-mail is attached hereto as Exhibit H and is incorporated herein by reference.

14. On August 15, 2001, I was forwarded a voice message from two other attorneys at PricewaterhouseCoopers informing me that Doug Hott would be on vacation and that they could handle the matter. On August 16, 2001, I was forwarded a further voice message from an attorney at PricewaterhouseCoopers, in response to a follow-up phone message we left on August 16, 2001, informing me that it would be best if we spoke with Doug Hott when he returned from vacation on Monday, August 20, 2001. As of August 21, 2001, we have not been able to contact Doug Hott.

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8/23/01

By: 
James B. Bear

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